



UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
-----------------	-------------	----------------------	---------------------

09/521,037 03/08/00 GUPTA

F MOF-11

022855
RANDALL J KNUTH P.C.
3510 A STELLHORN ROAD
FORT WAYNE IN 46815-4631

MM91/0425

EXAMINER

MARTIR, L

ART UNIT

PAPER NUMBER

2855

DATE MAILED:

04/25/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary	Application No.	Applicant(s)
	09/521,037	GUPTA, PAWAN R.
	Examiner Lilybett Martir	Art Unit 2855

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on _____.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-18 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-8 and 11-18 is/are rejected.
- 7) Claim(s) 9 and 10 is/are objected to.
- 8) Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) The proposed drawing correction filed on _____ is: a) approved b) disapproved.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- | | |
|---|--|
| 15) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 18) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 16) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 19) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 17) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 20) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 5-8, 12-14 and 16-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Jordan (Pat.4,135,393). Jordan discloses the claimed invention, including:

- A frame as in element 2 having a pair of ends 3 and 5, adapted to engage a said stressed cable (Claim 1), a jack 7 mounted on said frame between it's ends for applying a force on the stressed cable, and measuring means as in element 11 on said frame, for measuring the deflection of the stressed cable.
- A hook as in element 3, said hook connected to said jack 7 and adapted for engagement with said stressed cable 1(Claim 2).
- The force of said jack 7 (Col. 4, lines 4-7), is applied to the stressed cable through the hook means (Claim 3).
- A jack (Claims 5,12 and 16) that applies a pre-set force to the stressed cable (Col. 3, lines 26-28).
- Measuring means (Claims 6, 13 and 17) as in element 11 that includes a gauge (Col. 3, lines 29-34) mounted onto said frame.

- Regarding claims 7, 14 and 18, the disclosed reference inherently shows in Fig. 1 that the frame 2 is shaped in a "V" shape.
- Claim 8 discloses a method for detecting the amount of tension in a stressed cable using the claimed apparatus that is inherently disclosed in the provided reference.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4,11 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jordan in view of Hensler (Pat 4,746,024). Jordan discloses the claimed invention, except for:

- A jack, that is a hydraulic jack.

Hensler teaches a tensiometer that is a hydraulic tensiometer with a hydraulic jack. It would have been obvious at the time the invention was made to one having ordinary skill in the art to alter the device disclosed for the purpose of providing hydraulic means in the tensiometer of Jordan using Hensler's teachings to make a device with less demanding features in order to make the appropriate measurements in an easier manner and with more accuracy.

Claim Objections

Claims 9 and 10 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. The claims refer to claim 7 as method claims with limitations for a method that is not disclosed in said claim, referring also to limitations not present in claim 7.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lilybett Martir whose telephone number is (703)305-6900. The examiner can normally be reached on 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Benjamin Fuller can be reached on (703)308-0079. The fax phone numbers for the organization where this application or proceeding is assigned are (703)305-3432 for regular communications and (703)305-3432 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-0956.

LM
Lilybett Martir
Examiner
Art Unit 2855

I'm
April 23, 2001

BRF
Benjamin R. Fuller
Supervisory Patent Examiner
Technology Center 2850